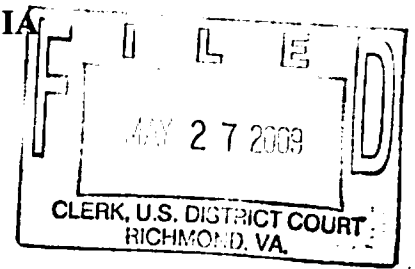


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**



JONATHAN LEE RICHES,)

Plaintiff,)

v.)

DAYTONA 500, *et al.*,)

Defendants.)

Civil Action No. 3:09CV69-HEH

**MEMORANDUM OPINION
(Dismissing Action Without Prejudice)**

Plaintiff, a federal inmate, submitted this action and requested leave to proceed *in forma pauperis*. A prisoner is prohibited from proceeding *in forma pauperis*:

[I]f the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g). Plaintiff has at least three actions or appeals that were dismissed as frivolous, malicious, or for failure to state a claim upon which relief could be granted.

See Riches v. Karpinski, Nos. 3:08cv00347, 3:08cv00346, 2008 WL 2564785, at *1–2

(W.D. Wis. June 25, 2008). The delusional nature of Plaintiff's current complaint and his history of frivolous filings demonstrate that Plaintiff is not in imminent danger of serious physical harm. *See id.* at *3 (noting, in Plaintiff's 1,834th lawsuit, that his allegations of imminent harm carried no weight). Accordingly, by Memorandum Order entered on

March 6, 2009, the Court denied Plaintiff's request to proceed *in forma pauperis* and directed Plaintiff to submit the full filing fee within eleven (11) days of the date of entry thereof. Plaintiff has not complied with that Order. Accordingly, the action will be dismissed without prejudice.

An appropriate Order shall accompany this Memorandum Opinion.

Date: MAY 26, 2009
Richmond, Virginia

 /s/ _____ Henry E. Hudson United States District Judge
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